

Message Text

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PAGE 01 OTTAWA 01024 282317Z

ACTION EB-08

INFO OCT-01 EUR-12 ISO-00 CAB-05 CIAE-00 COME-00
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FM AMEMBASSY OTTAWA

TO SECSTATE WASHDC 6487

AMEMBASSY LONDON

UNCLAS OTTAWA 01024

E.O. 11652:N/A

TAGS: EAIR, CA, UK

SUBJECT: CIVAIR: CANADIAN NAVIGATION AND COMMUNICATIONS
CHARGES

REF: OTTAWA 10469, DEC. 16, 1977.

1. FOLLOWING EXCHANGE TOOK PLACE IN CANADIAN HOUSE OF
COMMONS' STANDING COMMITTEE ON TRANSPORT AND COMMUNICATIONS
DURING FEBRUARY 14 SESSION AT WHICH REVIEW OF BILL C-4
(REFTEL) CONTINUED. COMMITTEE WAS QUESTIONING MCLEISH,
ADMINISTRATOR OF CANADIAN AIR TRANSPORT ADMINISTRATION,
ABOUT COLLECTION OF SUBJECT FEES FROM PAN AM, TWA AND
SEABOARD:

MR. BENJAMIN: MR. CHAIRMAN, ON THIS MATTER OF THE UNITED
KINGDOM COLLECTING THESE FEES FOR USE OF AIR SPACE OVER
THE NORTH ATLANTIC, NOT ONLY FOR THEMSELVES BUT FOR
DENMARK AND ICELAND, HAS CANADA MADE ANY ATTEMPT, OR ARE
WE CONSIDERING ASKING THEM, TO COLLECT THE FEES FOR US AS
WELL FOR THE USE OF THAT AIR SPACE OVER THE NORTH ATLANTIC
FOR THE SERVICES PROVIDED?

MR. MCLEISH: YES, THERE IS A MEMORANDUM OF UNDERSTANDING
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PAGE 02 OTTAWA 01024 282317Z

SIGNED BY THE MINISTER OF TRANSPORT AND BY THE HEAD OF THE
CIVIL AVIATION AUTHORITY IN THE UNITED KINGDOM WHICH
PROVIDES THE AUTHORITY FOR THE UNITED KINGDOM TO COMMENCE
COLLECTING CHARGES ON BEHALF OF CANADA.

MR. BENJAMIN: WOULD THAT TAKE EFFECT ONLY ON THE PASSAGE
OF THIS BILL, OR WAS THIS THE CASE UNDER THE PREVIOUS ACT?

MR. MCLEISH: NO; IT IS NOW POSSIBLE FOR THEM TO START COLLECTING THE CHARGES.

MR. BENJAMIN: IT JUST SEEMS TO ME, MR. CHAIRMAN, THAT THESE THREE CARRIERS ARE TRYING TO CHISEL ON WHAT DOZENS OF OTHER CARRIERS ARE PAYING. I AM WONDERING IF MR. MCLEISH COULD TELL US WHAT STAGE THINGS ARE AT IN THE COURTS RIGHT NOW. WHEN IS THIS GOING TO BE RESOLVED, OR IS IT GOING TO DRAG OUT FOR YEARS? DO YOU HAVE ANY RECOURSE OF HAVING THE UNITED KINGDOM COLLECT WHAT IS OWING, UNDER THE AGREEMENT THAT YOU HAVE WITH THEM?

MR. MCLEISH: WE HAVE COMMUNICATED WITH THE UNITED KINGDOM WITH RESPECT TO ENFORCING THE PAYMENT AT THIS TIME AND HAVE AGREED THAT, PENDING THE DECISION BY THE COURTS, THERE WILL BE NO ENFORCEMENT ACTION TAKEN. HOWEVER, I AM ADVISED THAT THE ACTION IN THE COURTS IS EXPECTED TO PROCEED VERY SHORTLY.

2. LATER IN THE SESSION, IN RESPONSE TO A QUESTION ABOUT TIMING OF COURT ACTION, MCLEISH SAID "I AM ADVISED THAT I COULD EXPECT IN THE EARLY PART OF 1978 THAT IT WOULD PROCEED TO THE COURTS. AND WHEN I ASKED SIMILAR QUESTIONS TO WHAT YOU HAVE ASKED TODAY, I WAS ADVISED THAT THAT IS THE BEST POSSIBLE ADVICE THAT I COULD RECEIVE, THAT IT UNCLASSIFIED

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PAGE 03 OTTAWA 01024 282317Z

IS EXPECTED TO PROCEED IN THE EARLY PART OF 1978 IN THE COURTS."

3. COPIES OF TRANSCRIPT OF HEARING RELATING TO SUBJECT CHARGES BEING POUCHED TO DEPARTMENT AND LONDON. DUEMLING

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